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Attorneys for [PROPOSED] Plaintiff-Intervenor  
YUHA AVIATAM OF SAN MANUEL NATION,  
a federally recognized Indian tribe, also federally  
recognized as SAN MANUEL BAND OF MISSION INDIANS

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
**EASTERN DIVISION – RIVERSIDE**

BLUETRITON BRANDS, INC.,  
  
Plaintiff,  
  
v.  
  
UNITED STATES FOREST SERVICE,  
  
RANDY MOORE, in his official  
capacity as Chief of the U.S. Forest  
Service,

Case No.: 2:24-cv-09720-JGB-DTB

**PLAINTIFF-INTERVENOR'S  
NOTICE OF MOTION AND  
MOTION FOR PRELIMINARY  
INJUNCTION; MOTION FOR  
ORDER SHORTENING TIME FOR  
HEARING<sup>1</sup>**

**EXPEDITED HEARING  
REQUESTED**

Hearing Date: **January 13, 2025**

<sup>1</sup> Please note that the Nation's counsel's legal staff inadvertently did not file the January 3, 2025, version of this notice and motion alongside its Notice and Motion to Intervene of Yuhaaviatam of San Manuel Nation; Memorandum of Points and Authorities; Motion for Order Shortening Time for Hearing (ECF No. 64). It is filed now in redline to reflect how it would have appeared on January 3, 2025, and to also reflect updated hearing information based on the Court's Order Shortening Time for Hearing on Yuhaaviatam of San Manuel Nation's Motion to Intervene and Motion for Preliminary Injunction (ECF No. 68).

1 CHRISTOPHER FRENCH, in his  
2 official capacity as Deputy Chief for the  
3 National Forest System of the U.S. Forest  
Service,

4 JENNIFER EBERLEIN, in her official  
5 capacity as Regional Forester for the  
6 Pacific Southwest Region of the  
U.S. Forest Service,

7 DANELLE HARRISON, in her official  
8 capacity as Forest Supervisor of the San  
Bernardino National Forest of the  
U.S. Forest Service,

9 MICHAEL NOBLES, in his official  
10 capacity as Front Country District Ranger  
of the U.S. Forest Service,

11 Defendants.

12 YUHA AVIATAM OF SAN MANUEL  
13 NATION, a federally recognized Indian  
tribe, also federally recognized as SAN  
14 MANUEL BAND OF MISSION  
INDIANS,

15 [PROPOSED] Plaintiff-Intervenor.  
16

~~February 3, 2025~~

Hearing Time: 9:00 AM

Courtroom: 1

Judge: Hon. Jesus G. Bernal

Action Filed: August 6, 2024

17 **NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION**

18 Pursuant to Fed. R. Civ. P. 65(a) and C.D.C. Civ. LR 65-1, Plaintiff-Intervenor  
19 Yuhaaviatam of San Manuel Nation, a federally recognized Indian tribe, also  
20 federally recognized as San Manuel Band of Mission Indians (the Nation)  
21 respectfully moves this Court to preliminarily enjoin the U.S. Department of  
22 Agriculture and U.S. Forest Service (collectively, “Defendants”) from enforcing the  
23 July 26, 2024 “Notice of Denial of Application for Use and Occupancy of National  
24 Forest Lands; Termination of Special Use Permit FCD728503” (Notice of Denial)  
25 ECF No. 1-1, as it pertains to the delivery of the water by Plaintiff BlueTriton  
26 Brands, Inc. to the Nation for use at Arrowhead Springs until an out-of-court solution  
27 can be reached or the Court has entered a final decision in this case. Such an  
28 injunction will preserve the status quo for water deliveries that the Nation relies on to

1 operate its culturally and historically significant Arrowhead Springs property and on  
2 which surrounding communities depend on to fight wildfires. This motion is  
3 supported by the memorandum and declarations filed separately.

4 **MOTION FOR ORDER SHORTENING TIME FOR HEARING**

5 While a hearing on this motion has been noticed for January 13~~February 3~~,  
6 2025, due to the exigent circumstances described in the supporting memorandum, the  
7 Nation requests that the Court enter an order, pursuant to L.R. 6-1, shortening time  
8 such that a hearing on the Nation's Motion for Preliminary Injunction will be held on  
9 January 13, 2025, at 9:00 a.m., on the same date a hearing on Plaintiff BlueTriton  
10 Brands, Inc.'s Motion for Preliminary Injunction will be held. *See* ECF No. 60. The  
11 Nation proposes setting an expedited briefing schedule such that the deadline to file  
12 response briefs is January 8, 2025, and the deadline to file reply briefs is January 10,  
13 2025.

14 Pursuant to L.R. 7-3, the Nation's counsel has conferred with counsel for  
15 Plaintiff and Defendants. Plaintiff consents to this expedited briefing and hearing  
16 schedule; Defendants oppose it.

17 Respectfully submitted,

18 SOMACH SIMMONS & DUNN

19 Dated: January ~~36~~, 2025

By s/ Stuart L. Somach

20 Stuart L. Somach (SBN 90959)  
21 Maximilian C. Bricker (SBN 350150)  
22 Attorneys for [Proposed] Plaintiff-Intervenor  
23 YUHA'AVIATAM OF SAN MANUEL  
24 NATION, a federally recognized Indian tribe,  
25 also federally recognized as SAN MANUEL  
26 BAND OF MISSION INDIANS  
27  
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